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HOUSE BILL 3363 By
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SENATE BILL 3337
By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 67; 49; 63; 68 and 71, to enact the "Tennessee Millennium Health Trust Fund Act"; to create the Tennessee Millennium Health Trust Fund; to provide for the placement of certain funds in the Trust; to provide for only health-related expenditures from the Trust, (but not on commissions, conferences, committees, or seminars), except for mitigation of tobacco related economic hardships and to provide for the management of and maintenance of the Trust.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be know and may be cited as the "Tennessee Millennium Health Trust Fund Act".

SECTION 2. There is hereby created the Tennessee Millennium Health Trust Fund.

SECTION 3. All proceeds which the state of Tennessee derives from the settlement of any suit; from an act of Congress; or from the outcome of any litigation based in whole or in part on the state recovering its share of funds from tobacco companies and/or manufacturers and/or trade groups for their liability or alleged liability for health-related injuries to individuals or medicaid or tennncare-related recoveries and/or for reimbursement for medicaid/tenncare funds spent on Tennesseans' smoking-related illnesses or any other such similar recovery/reimbursement shall be placed into the Tennessee Millennium Health Trust Fund. This includes all proceeds for all years received.

SECTION 4. The fund shall be administered by the treasurer of the state of Tennessee.

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SECTION 5. The Tennessee Millennium Health Trust Fund (hereinafter, "the fund") shall be perpetual. The items funded in Section 6 of this act shall be funded each year after the fund receives the proceeds pursuant to Section 3 of this act. No expenditures shall be made from the remaining principal of the fund. The principal funds remaining shall be invested each year by the treasurer. Only when the state funding board determines that the annual return on the invested principal funds is greater than the items funded in Section 6 of this act may additional items be funded; and further, those new items may be funded only to the extent that they expend the additional return on the investment so as to keep a perpetual fund that shall last into and through the next millennium. Any moneys remaining in the fund at the end of any fiscal year shall not revert to the general fund but shall remain in the fund.

SECTION 6. From the funds of the trust:

(a) Ten million dollars (\$10,000,000) shall be expended on a program designed to enhance home and community based long-term care services for the elderly.

(b) Three million dollars (\$3,000,000) shall be expended for the school nurse program established in Title 49, Chapter 3.

(c) Five million dollars (\$5,000,000) shall be expended in the form of grants to Tennessee children's hospitals for research into the causes of, the treatment of, diagnosis of and potential cures for children's cancer. The grants shall not exceed one million dollars (\$1,000,000) per year shall include children's hospitals in east, middle and west Tennessee. The grants shall be administered by the state funding board.

(d) Five million dollars (\$5,000,000) shall be expended to enhance vaccination programs for Hepatitis A and B and for vaccinations for children.

(e) Five million dollars (\$5,000,000) shall be expended to enhance or expand or improve the health program for employees of the state of Tennessee as determined by the state insurance committee.

(f) One million dollars (\$1,000,000) shall be expended to enhance the nutrition program for older persons set out in Tennessee Code Annotated, Section 71-2-101, et seq.

(g) Three million dollars (\$3,000,000) shall be expended to fund HB 1492 (SB 1738) and HB 511 (SB 1145), if such bills become law, which establish area health education center programs.

(h) Five million dollars (\$5,000,000) to enhance alcohol and drug treatment programs.

(i) Ten million dollars (\$10,000,000) to enhance programs for mental health.

(j) Five million dollars (\$5,000,000) to expand the number of dislocated workers eligible for TennCare.

(k) One million dollars (\$1,000,000) shall be expended to enhance screening for breast cancer, ovarian cancer, prostate cancer and colon cancer.

(l) One million dollars (\$1,000,000) shall be expended each year for five (5) years by the department of agriculture to assist tobacco farmers and tobacco-related business in mitigating economic hardship which may result.

SECTION 7. The moneys expended in Section 6 are intended to be and shall be in addition to all dollars which are expended on those particular programs at the time the trust receives its first payment and to that end the comptroller of the treasury is directed to conduct a maintenance of effort audit to ensure that no moneys are shifted knowingly or unknowingly so as to dilute in any form or fashion the letter or spirit of this act.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.